

Town Board Minutes

**Meeting
No. 7**

Regular Meeting

March 20, 1995

MEETINGS TO DATE 7
NO. OF REGULARS 6
NO. OF SPECIALS 1

LANCASTER, NEW YORK
MARCH 20, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 20th day of March 1995 at 8:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH F. REINA, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR
THOMAS E. FOWLER, CHIEF OF POLICE
JOHANNA M. COLEMAN, RECEIVER OF TAXES

PUBLIC HEARING SCHEDULED FOR 8:10 P.M.:

At 8:10 P.M., the Town Board held a Public Hearing to hear all interested persons upon amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York and designated as Chapter 46 of the Code of the Town of Lancaster pertaining to Stop and Yield Intersections within Belmont Creek, Bowen Road Square, Stream Field, Stony Brook South, Walnut Creek, Windsor Ridge Subdivisions and Thruway Industrial Park.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS	ADDRESS
None	
OPPOSERS	ADDRESS
None	
COMMENTS & QUESTIONS	ADDRESS
None	

ON MOTION BY COUNCIL MEMBER VAN NORTWICK, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:13 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PUBLIC HEARING SCHEDULED FOR 8:20 P.M.:

At 8:20 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of Kulback's Construction Inc. for a rezone of premises situate on the south side of Como Park Boulevard, west of Penora Street, in the Town of Lancaster, New York, from a R-2 Residential District Two, to a NB- Neighborhood Business District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed to the Petitioner, the Erie County Division of Planning, property owners of record within 200 feet of the proposed rezone site, and the Village Clerk of the Village of Depew, notifying them of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Division of Planning wherein the Division acknowledged receipt of a Notice of this Public Hearing and commented as follows: "No Recommendation".

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed rezone.

PROPOSERS	ADDRESS
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None

OPPOSERS	ADDRESS
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None

COMMENTS & QUESTIONS	ADDRESS
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Joseph Milazzo, 19 Cowing Street, Depew, New York
Carroll Pope, 1228 Penora Street, Depew, New York

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:30 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PRESSENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board
and the Planning Board held March 6, 1995, and the Regular Meeting of the Town
Board held on March 6, 1995 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORI WICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.MIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, by memorandum dated March 8, 1995, the Supervisor has
requested the transfer of funds within the 1995 Highway Fund Budget to
allocate funds to cover necessary for upcoming expenditures,

NOW, THEREFORE, BE IT

RESOLVED, that the following transfers within the 1995 Adopted
Highway Fund Budget be and are hereby approved:

<u>FUND APPROPRIATIONS</u>	<u>INCREASE</u>	<u>DECREASE</u>
13.5142.449 Other Unclassified	1,500.00	
13.5142.411 Contractual Snow Removal		1,500.00

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by
letter dated March 7, 1995, has requested the addition of a probationary
active member to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition the membership of the Bowmansville Volunteer Fire
Association, Inc. of the following individual:

ADDITION

John Zimmerman
23 Candace Court
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.FIRE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

RESOLVED, that the resolution adopted by the Town Board of the Town of Lancaster on February 27, 1995 as it relates to State Aid Application to the New York State Office of Parks, Recreation and Historic Preservation, be and is hereby amended to read as follows:

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to submit an application to the New York State Office of Parks, Recreation and Historic Preservation for financial assistance in accordance with the provision of the Environmental Protection Act of 1993, in the amount of \$25,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for the development of two community gardens.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.AMENDED (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI , TO WIT:

WHEREAS, a Public Hearing was held on the 20th day of March, 1995,
for the purpose of amending Chapter 46-Vehicle and Traffic Ordinance of the
Code of the Town of Lancaster, and persons for and against such amendment have
had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and
posted;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of
the Town of Lancaster, be amended in the form attached hereto and made a part
hereof;

2. That said amendment be added in the minutes of the meeting of
the Town Board of the Town of Lancaster held on the 20th day of March, 1995;

3. That a certified copy thereof be published in the Lancaster Bee
on March 23, 1995;

4. That a certified copy of the amendment be posted on the Town
Bulletin Board;

5. That Affidavits of Publication and Posting be filed with the
Town Clerk;

6. That the Highway Superintendent take whatever action is
necessary to install signs in accordance with the law.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.AMD.V.T.ADOPT.

LEGAL NOTICE
 NOTICE OF ADOPTION
 AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
 TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
 DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER

The Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

STOP AND YIELD INTERSECTIONS.
 46-8, Stop Intersections designated, is hereby amended
 by adding thereto the following:

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
BELMONT CREEK SUBDIVISION		
Belmont Avenue	Falcon Drive	N.W. corner
Belmont Avenue	Riemers Avenue	S.E. corner
Riemers Avenue	Central Avenue	S.W. corner
BOWEN ROAD SQUARE SUBDIVISION		
Butler Drive	Bowen Road	S.W. corner
Bentley Drive	Butler Drive	S.E. corner
Briggs Place	Bentley Drive	S.W. corner
STREAM FIELD SUBDIVISION		
Stream View Lane	Runningbrook Drive	S.W. corner
Stream View Lane	Stream View Lane	N.W. corner
Harewood Run	Stream View Lane	S.E. corner
STONY BROOK SOUTH SUBDIVISION		
Stonehedge Drive	Walden Avenue	N.W. corner
Hedge Lane	Stonehedge Drive	S.W. corner
THRUWAY INDUSTRIAL PARK		
Rotech Drive	Gunville Road	N.E. corner

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
WALNUT CREEK SUBDIVISION		
Enchanted Forest N	Aurora Street	S.W. corner
Chapin Circle	Enchanted Forest N	S.E. corner
Thomas Drive	Enchanted Forest N	S.E. corner
Thomas Drive	Enchanted Forest N	N.W. corner
Harewood Run	Enchanted Forest N	N.W. corner
Thomas Drive	Southpoint Drive	N.W. corner
WINDSOR RIDGE SUBDIVISION		
Dorchester Court	Cambridge Court	S.E. corner
Overton Court	Cambridge Court	N.W. corner
Cambridge Court	Chestnut Corner	S.W. corner
Windcroft Lane	Chestnut Corner	N.E. corner
Chichester Court	Chestnut Corner	S.W. corner
Windsor Ridge Drive	Lake Avenue	N.E. corner

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY that I, ROBERT P. THILL, Town Clerk of the TOWN OF LANCASTER, in said County of Erie, have compared the foregoing copy of an Ordinance Amendment, with the original thereof filed in my office at Lancaster, New York, on the 20th day of March, 1995, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of the said Town this 20th day of March, 1995.

Robert P. Thill
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the Master Water District (formerly the Master Water Improvement Area) of the Town of Lancaster maintains hydrants along the westerly line of Town Line Road from Schlemmer Road south to the south boundary line of the Town of Alden, and

WHEREAS, the Town of Alden Fire Protection District has heretofore contracted with the Master Water District of the Town of Lancaster for the use of said hydrants, and

WHEREAS, the Town Board of the Town of Alden has duly held a public hearing on behalf of the Alden Fire Protection District to contract with the Master Water District of the Town of Lancaster for the use of said hydrants in accordance with an agreement approved by the Town Attorney and on file with the Town Clerk, which Agreement has been approved by the Town Board of the Town of Alden;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute an Agreement by and between the Town of Alden on behalf of the Alden Fire Protection District and the Master Water District of the Town of Lancaster, providing for the rental of forty-five hydrants along the westerly line of Town Line Road from Schlemmer Road south to the south boundary line of the Town of Alden, which Agreement shall commence April 1, 1993 and terminate March 31, 1998, all in accordance with the terms of said Agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.Hydrant.Rental.Aldn.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, Josela Enterprises, Inc., 5653 Broadway, Lancaster, New York 14086, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within GlenHollow Subdivision, Phase IIA, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 395, 396 and 397 of Josela Enterprises, Inc., 5653 Broadway, Lancaster, New York, for the installation of:

- P.I.P. No. 395 - Installation of \pm 5400 lf of storm sewer pipe of various type and size; 31 precast or block structures and 27 yard receivers at the GlenHollow Phase IIA Subdivision
(Storm Sewer)
- P.I.P. No. 396 - Installation of \pm 3500 lf of 20" upright curb with underdrain and \pm 49,000 sf of pavement consisting of 8" of stone; 4" of base; 2" of binder and 1" top; at the GlenHollow Phase IIA Subdivision
(Pavement & Curbs)
- P.I.P. NO. 397 - Installation of \pm 1800 lf of 8" C-900 and 50 lf of 8" DIP and all necessary appurtenances at the GlenHollow Phase IIA Subdivision
(Water Line)

be and are hereby approved and the installation of the improvements requested be and are hereby authorized, subject to the following condition:

No Building Permits shall be issued until Performance Security as authorized in Chapter 11-6 of the Code of the Town of Lancaster is provided -- or -- until approval of all Public Improvements, including lighting and sidewalks, by the Town Engineer and Town Board, and sewer by Erie County Sewer District No. 4, and conveyance of Warranty Deed with adequate title insurance and bill of sale of improvements rights-of-way, and easement, and delivery of two (2) year maintenance bonds from date of acceptance in the principal sum of 25% of the total cost of the improvement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK, TO WIT:

WHEREAS, Thomas E. Fowler, Police Chief of the Town of Lancaster,
was given verbal permission to attend a meeting with the President of the
United States held on February 8, 1995 in Washington, D.C. in connection with
the COPS FAST Program,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster hereby
authorizes reimbursement in the amount of \$526.58 for expenses incurred by the
THOMAS E. FOWLER, Chief of Police of the Town of Lancaster, in connection with
attendance at a meeting in Washington, D.C. on February 8, 1995.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, by memorandum dated March 14, 1995, the Supervisor of the Town of Lancaster has requested the transfer of funds within the 1995 General Fund Budget - Youth Bureau Department,

NOW, THEREFORE, BE IT

RESOLVED, that the following transfers within the 1995 Adopted General Fund Budget - Youth Bureau Department be and are hereby approved:

<u>FUND APPROPRIATIONS</u>	<u>INCREASE</u>	<u>DECREASE</u>
01.7310.449 Other Unclassified	400.00	
01.7310.432 Auto Parts		400.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, POKORSKI TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has requested permission to attend the New York State GFOA Sixteenth Annual Conference in Albany, New York from March 22nd through March 24th, 1995,

NOW, THEREFORE, BE IT

RESOLVED, that LUCIAN J. GRECO, Supervisor of the Town of Lancaster, be and is hereby authorized to attend the New York State GFOA Sixteenth Annual Conference in Albany, New York from March 22nd through March 24th, 1995, and

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby authorized for all ordinary expenses, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.SEM.MIGS (P4)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER POKORSKI, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the Town of Lancaster Parks & Recreation Department has solicited informal bids for the spraying of Town trees on Columbia Avenue, Pheasant Run and Warner Road, and

WHEREAS, bids were received from Davey Tree Company, Lancaster, N.Y.; Healy Tree Service, Inc., East Aurora, N.Y.; and The Tree Doctor, Clarence, New York, and

WHEREAS, Davey Tree Company was the lowest bidder, and

WHEREAS, the Town's Forester, has recommended to accept the bid of Davey Tree Company;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts the bid of Davey Tree Company, dated March 9, 1995, to spray the trees along Columbia Avenue, Pheasant Run and Warner Road for the sum of \$1,190.00, in accordance with the terms of its bid, dated March 9, 1995.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, the Receiver of Taxes of the Town of Lancaster has notified the Town Board, by letter dated March 15, 1995, that pursuant to the Laws of the State of New York she has appointed KATHLEEN B. MACKO, 8 Franklin Street, Lancaster, New York 14086, to the position of Deputy Receiver of Taxes, effective March 20, 1995, to fill a vacancy in that position,

NOW, THEREFORE, BE IT
RESOLVED, as follows:

Section 1: That the appointment of KATHLEEN B. MACKO, 8 Franklin Street, Lancaster, York 14086, as Deputy Receiver of Taxes be and is hereby acknowledged by the Town Board of the Town of Lancaster.

Section 2: That Kathleen B. Macko shall serve at the will of the Receiver of Taxes with all the powers and duties of the Receiver of Taxes not inconsistent with law.

Section 3: That full regular employee benefits are hereby extended to Kathleen B. Macko, including eligibility for vacation and sick benefits in accordance with the Personnel Rules of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.PERS.APPT (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore retained Donald Gallo, Consulting Engineer, to prepare plans and specifications, and provide engineering services related to the proposed development and construction of a Town Park known as Westwood Park at Pavement Road and Erie Street, in the said Town, and

WHEREAS, plans and specifications have been filed with the Town Clerk, and

WHEREAS, the Town Board of the Town of Lancaster, after review of the plans and specifications, desires to advertise for public bids pursuant to the requirements of Section 103 of the General Municipal Law;

NOW, THEREFORE, BE IT

RESOLVED, that Sealed Bids will be received by the Town Clerk at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086, at 10:00 A.M. Local Time, on the 8th day of May, 1995, for the construction of a Town Park known as Westwood Park at Pavement Road and Erie Street in the Town of Lancaster, New York, in accordance with the specifications on file in the Town Clerk's Office, and that a Notice to Bidders shall be published in the Lancaster Bee on March 30, 1995, and the Lancaster Community News and Depew Community News, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.Not.Bdrs.W.wood.pk.

TOWN OF LANCASTER, ERIE COUNTY, NEW YORK

WESTWOOD PARK, CONTRACT NO. 9

NOTICE TO BIDDERS

Sealed Bids for construction of Westwood Park at Pavement Road and Erie Street in the Town of Lancaster, Erie County, New York, for the Town of Lancaster will be received from bidders by the Town Clerk at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086 on or before 10:00 A.M., Local Time, on the 8th day of May, 1995, at which time they will be publicly opened and read aloud. The Project consists of contracts:

Contract 9E: Electrical
Contract 9G: General
Contract 9L: Landscaping
Contract 9M: Mechanical
Contract 9P: Plumbing
Contract 9R: Roadway and Parking
Contract 9SP: Site Preparation
Contract 9ST: Shelters

Contract Documents may be examined at the office of the Town Clerk of the Town of Lancaster at 21 Central Avenue, Lancaster, NY 14086 and at the offices of the ENGINEER at the address listed below between the hours of 9:00 A.M. and 4:30 P.M. from March 30, 1995 to May 8, 1995 except Saturdays, Sundays, and Holidays.

Copies may be obtained from the office of the ENGINEER upon document deposit of \$200.00 for each set. The ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the document fee plus a non-refundable mailing and handling charge of Twenty-five Dollars (\$25.00) per set. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available. Neither the OWNER nor the ENGINEER will be responsible for full or partial sets of Contract Documents, including any addenda, obtained from other sources. Bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non bidders will be refunded one-half of the document deposit upon return of full sets of Contract Documents within thirty (30) days of award of the Contract. No refunds will be made for the return of additional sets. Checks for documents shall be made payable to the ENGINEER. The \$200.00 document deposit shall be in the form of two (2) \$100.00 checks made payable to the ENGINEER. Checks for mailing fees shall be made payable to the ENGINEER.

The attention of the Bidders is called particularly to the requirements with respect to conditions of employment to be observed and minimum wage rates to be paid under the contract, and further to the Affirmative Action Requirements for Equal Employment Opportunity.

The attention of the Bidders is called to the provisions of Article 5A of the General Municipal Law which requires the Bidder to execute a certificate of non-collusion and to conform with the other provisions of Article 5A outlined in the Instructions to Bidders and Supplementary Conditions. A form for such certificate accompanies the bid form. Unless it is properly executed, the bid will not be accepted.

The successful Bidder will be required to furnish Payment and Performance Bonds each in an amount equal to 100 percent (100%) of the Contract award.

For the purpose of the deposit refund, bidders shall only be considered as those that formally submit a bid at the time and place as stated above and for the purpose of the performance of the work as set forth in these Specifications.

Bid Forms shall not be removed from the Project Manual and the entire Project Manual shall be submitted with the Bid.

Each proposal must be accompanied by the deposit of a certified check, payable to the Order of the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, the successful bidder will enter into a contract for the work, and that he will execute within fifteen (15) days from the date of award, a suitable security bond in the amount of the contract, conditioned for the faithful and prompt performance and completion of the work specified in the contract.

All deposits, except that of the successful bidder, will be returned.

Upon acceptance of his bid, if the successful bidder fails to enter into a contract pursuant to the requirements of the Board, or fails to give the further security prescribed in this notice, with the time limited therein, then the check deposited as aforesaid and the moneys standing to the credit of same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

As evidence of his competency to perform the work, each Bidder shall submit with his Bid a statement of his qualifications and resources. Each Bid must contain evidence of Bidder's qualification to do business in the state where the Project is located or covenant to obtain such qualification prior to award of the Contract. Low Bidders may be asked to furnish additional data to demonstrate competency.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder or to the lowest responsive and responsible bidder, to delete bid sections or items, should it be deemed to be in the best interest of the Town of Lancaster, and in accordance with law, are herewith reserved.

The Town of Lancaster is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes which are to be incorporated into the project and which are to be separately sold by the CONTRACTOR to the OWNER prior to incorporation into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid. Sales tax will be due on all materials purchased by CONTRACTOR which are either "consumable" or rental property used by the CONTRACTOR in connection with the construction or repair.

Award of a Contract or Contracts is subject to Town of Lancaster Financing.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER, N. Y.

Robert P. Thill, Town Clerk

Consulting Engineer:
Donald Gallo, Consulting Engineer, P.C.
260 Elmwood Avenue
Buffalo, New York 14222
(716) 883-1234

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, THEODORE KULBACKI, 6363 Transit Road, Depew, New York 14043, the owner of a parcel of land located on the west side of Steinfeldt Road, locally known as No. 18 Steinfeldt Road in the Town of Lancaster, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of said property from an R-1 Residential District One, to an R-2 Residential District Two - "O" Lot Line, and

WHEREAS, the petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3rd day of April, 1995, at 8:20 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town; and the Lancaster Community News and Depew Community News, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1994

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 20th day of March, 1995, the said Town Board will hold a Public Hearing on the 3rd day of April, 1995, at 8:20 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property, from an R1-Residential District One to an R2-Residential District Two - "0" Lot line:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, and State of New York, being part of Lot No. 5, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Steinfeldt Road distant 462.13 feet northerly from the intersection of the center line of Steinfeldt Road with the center line of Broadway;

THENCE westerly at right angles with the center line of Steinfeldt Road a distance of 233 feet to a point;

THENCE northerly and parallel with the center line of Steinfeldt Road a distance of 100 feet;

THENCE easterly at right angles to the center line of Steinfeldt Road a distance of 233 feet to a point in the center line of Steinfeldt Road;

THENCE southerly along the center line of Steinfeldt Road a distance of 100 feet to the place of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York permits the Town to grant a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, and

WHEREAS, the State Legislature has now provided by legislation a new sliding scale which will grant further relief to Senior Citizens, and

WHEREAS, the effect of the increase in income eligibility will not place any undue burden on the taxpaying public, but will materially improve the economic ability of our senior citizens to cope with the ravages of inflation while living on a fixed income, and

WHEREAS, the Town Board deems it in the public interest to adopt the new graduated scale,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 467 of the Real Property Tax Law of the State of New York, a Public Hearing on the enactment by resolution of a senior citizens tax exemption will be held on the 3rd day of April, 1995, at 8:10 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that a Notice of the time and place of such hearing shall be published in the Lancaster Bee, the Official Newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER	GIZA	VOTED	YES
COUNCIL MEMBER	KWAK	VOTED	YES
COUNCIL MEMBER	POKORSKI	VOTED	YES
COUNCIL MEMBER	VAN NORTWICK	VOTED	YES
SUPERVISOR	GRECO	VOTED	YES

March 20, 1995

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN, that pursuant to Section 467 of the Real Property Tax Law and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 20th day of March, 1995, the said Town Board will hold a Public Hearing on the 3rd day of April, 1995, at 8:10 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, as follows:

SENIOR CITIZENS TAX EXEMPTION

- | | | |
|----|--|--|
| 1. | <u>ANNUAL INCOME</u> | <u>PERCENTAGE ASSESSED
VALUATION EXEMPT FROM
TAXATION</u> |
| | Not More than \$15,000. | 50 per centum |
| | More than \$15,000. but
Less than \$16,000. | 45 per centum |
| | More than \$16,000. but
Less than \$17,000. | 40 per centum |
| | More than \$17,000. but
Less than \$18,000. | 35 per centum |
| | More than \$18,000. but
Less than \$18,900. | 30 per centum |
| | More than \$18,900. but
Less than \$19,800 | 25 per centum |
| | More than \$19,800. but
Less than \$20,700 | 20 per centum |
2. The partial exemption being provided for herein shall be subject to the provisions of Section 467 of the Real Property Tax Law, and any other law or statute applicable thereto.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

March 20, 1995

File: R.SR.CIT.EXMPT.95

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 1144 to Claim No. 1457 Inclusive

Total amount hereby authorized to be paid: **\$1,189,280.28**

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

File: R.CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER POKORSKI, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously
advertised for bids for the construction of the Walden Avenue/Pavement Road
Improvements; and

WHEREAS, bids were received and opened on February 28, 1995, and

WHEREAS, The Sear-Brown Group, Design Professionals, has reviewed
the bids and, by letter dated March 2, 1995, has recommended that the bid of
Depew Development Inc., 4429 Walden Avenue, Lancaster, New York, in the amount
of \$519,000.00, is the lowest responsible bid, in conformance with the
specification;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards
the contract for the construction of the Walden Avenue/Pavement Road
Improvements to Depew Development Inc., 4429 Walden Avenue, Lancaster, New
York, in the amount of \$519,000.00, being the lowest responsible bid in
conformance with the specifications on file in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the County of Erie (County) is establishing a SWAT Team training center located on the Alden Correctional Facility property in Wende, New York, and

WHEREAS, the County has provided a firing range to be used as part of the training center, and

WHEREAS, the County has invited the Town of Lancaster Emergency Response Team to use the firing range, and

WHEREAS, the County requests that the Town execute an agreement defending, indemnifying and holding the County harmless against any claims arising as a result of any injury or damage sustained by any member of the Town's Emergency Response Team while using the Firing Range;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor is hereby authorized to execute, on behalf of the Town of Lancaster, an Indemnification Agreement, defending, indemnifying and holding the County of Erie harmless against any claims arising as a result of any injury or damage sustained by any member of the Town's Emergency Response Team, while using the firing range, and

2. A duplicate original of the Indemnification Agreement shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA, TO WIT:

WHEREAS, the Town has previously entered into four separate Fire Protection Agreements with Bowmansville Volunteer Fire Association, Inc., Twin District Volunteer Fire Company, Inc., Millgrove Volunteer Fire Department, Inc., and Town Line Volunteer Fire Department, Inc., respectively, for the 1995 calendar year, and

WHEREAS, in addition to the contract payments provided in each of the separate Fire Protection Agreements, the Town Board, as part of the budget adopted for the 1995 fiscal year, provided for additional sums to be paid to each of the four fire companies, and

WHEREAS, the Town Board wishes, by this resolution, to authorize payments due;

NOW, THEREFORE, BE IT

RESOLVED, that the following sums shall be distributed to the four fire companies in the following manner:

1. Bowmansville Volunteer Fire Association, Inc.
\$19,500.00 on April 1, 1995
\$19,500.00 on November 1, 1995
2. Twin District Volunteer Fire Company, Inc.
\$17,000.00 on April 1, 1995
\$17,000.00 on November 1, 1995
3. Millgrove Volunteer Fire Department, Inc.
\$2,000.00 on April 1, 1995
\$2,000.00 on November 1, 1995
4. Town Line Volunteer Fire Department, Inc.
\$12,000.00 on April 1, 1995
\$12,000.00 on November 1, 1995

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

At a meeting of the Town Board of the Town of Lancaster held at Lancaster, New York, on March 20, 1995, Supervisor Lucian J. Greco offered the following resolution:

"BE IT RESOLVED: that the Town Board of the Town of Lancaster does hereby elect to pay on account of any member of its Police Department who duly elects Section 384-e of the Retirement and Social Security Law, as presently or hereafter amended."

"BE IT FURTHER RESOLVED: that this election shall become effective on the 1st day of April, 1995."

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY
 SUPERVISOR GRECO TO WIT:

RESOLVED, that the following Building Permit Applications be
 and are hereby approved and the issuance of these Building Permits be and are
 hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
2368		Ryan Homes	364 Lake Ave	Er. Sin. Dwlg
2369	SW	Amy Choops	183 Cemetery Rd	Er. Sin. Dwlg
2370		Landmark Construction Co Inc	6298 Broadway	Er. Cathedral/Hall
2371		David Virgilio	26 Signal Dr	Er. Pool
2372		Lancaster Speedway	57 Gunville Rd	Er. Storage Bldg
2373		Beauty Pools Inc	33 Brunck Rd	Er. Pool
2374		M J Ogiony Bldrs	39 Signal Dr	Er. Sin. Dwlg
2375		Tom Benzin	35 Shadyside Ln	Er. Fence
2376	SW	Daniel/Nancy Walter	606 Pavement Rd	Er. Sin. Dwlg
2377		Robert Ferrentino	33 Bentley Cir	Er. Sin. Dwlg
2378		Cameo Home Bldrs	18 Butler Dr	Er. Sin. Dwlg
2379		Charles Kocher	14 Grace Way	Er. Fence
2380		Richard Casio	43 Westwood Rd	Ex. Sin. Dwlg
2381		Joseph Sodaro	8 Sugarbush Ln	Er. Deck
2382		Grandview Construction	4711 Transit Rd	Alter Office Bldg
2383		Judith Collyer	25 Old Post Rd	Er. Shed
2384		Beauty Pools Inc	6161 Genesee St	Er. Fence & Pool
2385		James P Baglio	253 Miller Ave	Er. Enclosed porch
2386		Carl F Kohl	17 Hillside Pkwy	Er. Shed
2387		Marrano/Marc Equity	80 Old Post Rd	Er. Sin Dwlg
2388		Marrano/Marc Equity	24 Riemers Ave	Er. Sin. Dwlg
2389		Telfair Construction	4450 Walden Ave	Er. Office Bldg
2390		Centennial Homes Inc	30 Hampton Ct	Er. Sin. Dwlg
2391		Stratford Homes Inc	13 Wendtworth Ct	Er. Sin. Dwlg
2392		Harold Knittel III	18 Chestnut Corner	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

Supervisor Greco requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, the Town of Lancaster is desirous of obtaining a Community Development Block Grant in the amount of \$34,977.00 for the purchase of exercise and medical monitoring equipment, shelving, two computers, a large screen television, kitchen equipment for hot food serving, flatware and a dishwasher for the Town's Senior Citizens Center ("PROJECT"), and

WHEREAS, the County of Erie, Department of Environment and Planning, Division of Planning, has submitted a contractual agreement between the Town and the County of Erie for implementing the PROJECT, and has requested the Supervisor to execute the agreement on behalf of the Town, and

WHEREAS, the Town Board deems it in the public interest to execute the agreement;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute, on behalf of the Town, a written agreement with the County of Erie for implementing the PROJECT hereinabove referred to.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

March 20, 1995

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50 - Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of RENEE J. FISHER, for a special Use Permit for a Beauty Salon within a single-family dwelling unit to be built at 8 Overton Court, in Windsor Ridge Subdivision, in the Town of Lancaster, Erie County, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to Chapter 50 - Zoning - Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to RENEE J. FISHER for a Beauty Salon within a single-family dwelling unit to be built at 8 Overton Court in Windsor Ridge Subdivision, in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance, with the stipulation that not more than two (2) client cars be parked on or adjacent to the property at any given time;

2. That the applicant will continue in compliance with conditions numbered One through Four as set forth in Chapter 50, Section F of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation.
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential

purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure.

- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot.
- e. There shall be no outdoor sign advertising this business.

3. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

March 20, 1995

COMMUNICATIONSDISPOSITION

- | | |
|---|---|
| 104. Town Clerk to Planning Board Chair. -
Transmittal of rezone petition of Tops Markets,
Inc. for property situate s/s Genesee St. at
Gunville Rd. | R & F |
| 105. County Health Dept. to Town Board -
Transmittal of Approval of Completed Works for
public water supply improvement for Hunters
Creek Subdivision. | PLANNING COMMITTEE
TOWN CLERK
TOWN ATTORNEY |
| 106. NYSDEC to Village of Lancaster -
Notice of Complete Application re: operation
of six sanitary sewer overflow discharges to
Cayuga Creek and Plumb Bottom Creek. | R & F |
| 107. Depew Elma Lancaster Chamber of Commerce to
Supervisor -
Request Town subsidize cost of New Resident
packets. | FINANCIAL SUPERVISOR |
| 108. The SEar-Brown Group to Town Board -
Recommend bid award to Depew Development, Inc.
for Walden Avenue/Pavement Road improvements. | R & F |
| 109. NYSDEC to Town Attorney -
Advisement re: Kulback's Construction Inc.
rezone petition. | PLANNING COMMITTEE
TOWN CLERK |
| 110. Receiver of Taxes to Town Board -
Transmittal of copy of first settlement payment
to County Dept. of Budget, Management and
Finance. | R & F |
| 111. Bowmansville V.F.A. to Town Board -
Notification of addition of new member to
roster. | R & F |
| 112. Conrail to Supervisor -
Transmittal of work schedule re: rebuilding of
crossings during 1995 maintenance season. | HUMAN SERVICES
HIGHWAY COMMITTEE
PLANNING COMMITTEE |
| 113. Town Clerk to Planning Board Chair. -
Transmittal of rezone petition of Tim Davis
for property situate at 6432 Genesee St. | TOWN ATTORNEY
PLANNING COMMITTEE
TOWN CLERK |
| 114. BFI to Supervisor -
Notice of reduction of processing fee for
recyclables from \$5.00 per ton to \$0.00
effective 2/28/95. | R & F |
| 115. Irvin G. Reinig II to Supervisor -
Expression of appreciation for crab apple tree
spraying on Columbia Ave. with request for
continuance of program. | R & F |
| 116. Bowmansville V.F.A. to Town Board -
Notice of appointment of Raymond Hartel to
position of trustee of Service Awards Program
to fill vacancy due to resignation of George
MacPeck. | R & F |
| 117. Dir. of Parks and Recreation to FBC Chemical Corp.
Expression of appreciation for donation of 55
gallon drums to be utilized as trash barrels
in various Town parks and shelters. | R & F |
| 118. Town Clerk of Eden to State Officials -
Transmittal of resolution requesting
reinstatement of 10% CHIPS Capitol proposed
reduction in the 1995-96 New York State Budget. | HIGHWAY SUPERVISOR
HIGHWAY COMMITTEE |
| 119. The Sear-Brown Group to Town Board -
Recommend Walden Avenue/Pavement Road Improve-
ment bid award to Depew Development, Inc. | R & F |

COMMUNICATIONSDISPOSITION

120. Depew-Lancaster Boys & Girls Club Inc to Supervisor Invitation to Board members to appear on annual telethon 3/26/95.	R & F
121. Police Chief to Director Parks & Recreation - Building maintenance and cleaning at Police/ Court building.	BUILDINGS AND GROUNDS COMMITTEE
122. Town Attorney to Rainbow Business Enterprise Inc. - Response to inquiry re. sell off of Conway Ave and the Town Board's position.	R & F
123. Receiver of Taxes to Town Board - Requests appointment of Kathleen B. Macko to position of Deputy Receiver of Taxes.	R & F
124. NYSDOT to Town Attorney - Results of SEQR review of Tops Distribution Center.	PLANNING COMMITTEE TOWN ENGINEER
125. Town Engineer to Town Board - Recommend including the Clark Street Bridge replacement with Village of Lancaster project.	PUBLIC SAFETY HIGHWAY COMMITTEE
126. Planning Board to Town Board - Minutes from meeting held 3/15/95.	R & F
127. George M. Colvin Jr. to Supervisor - Notice of resignation from position of assistant bingo inspector.	R & F
128. National Fuel to Supervisor - Notification of shut off of gas service to 11 Robert Dr., effective 4/20/95.	R & F

PERSONS ADDRESSING TOWN BOARD:

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

1. Sink holes on Town roads.

Zarbo, Rick, 357 Stony Road, spoke to the Town Board on the following matter:

1. Apologized to Council Member Kwak for his unprofessional behavior directed at Council Member Kwak at the last Town Board meeting.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

1. Inter-municipal agreement between Alden and Lancaster for use of fire hydrants on Townline Road.
2. Air quality control for truck emissions on the Tops Distribution Center Rezone Project.
3. Provisional rezones.

Huber, Catherine, 1302 Ransom Road, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Moessinger, Deborah 1312 Ransom Road, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Frank, Mary Ann, 5176 Genesee Street, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Benkleman, Marie, 681 Pleasant View Drive, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Braun, Elsie, 5984 Genesee Street, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Joseph, Dorothy, 5962 Genesee Street, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Bauer, Brian, 2 Whitestone Lane, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Burgess, Kristen, 298 Warner Road, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Saba, Dave, 33 Stonybrook Drive, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

Baehre, David, 5755 Genesee Street, spoke to the Town Board on the following matter:

1. Expressed concerns and opposition to the Tops Rezone Project.

ADJOURNMENT:

ON MOTION OF SUPERVISOR GRECO, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 9:30 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk